

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department – Guntur District – Certain allegations against Sri. O. Mark, A.T.O. (Retd.) O/o. Sub Treasury, Guntur – Disciplinary action initiated against Sri O. Mark, A.T.O (Retd.) - Imposition of a punishment of withholding of 15% of his pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No. 4389

Dated:14 -12-2009

Read the following:-

1. DTA Lr. No. K (1)4/23305/04, dated 07-11-2005, along with Charge Memo issued by RJD, Region II, Cudapah dated 26-6-2002 and defence statement of the Sri O. Mark, Asst. Treasury Officer (Retd.) O/o. Sub Treasury, Guntur and Inquiry report.
2. Govt. Memo No.3921/34/A1/Admn.I.Vig./ 06, Dt.30 -05-200
3. Explanation of the Charged Officer, Sri O.Mark ATO (Retd) dated 15-7-2006
4. Govt. Memo No.3921/34/A1/Admn.I.Vig./ 06, Dt.10 -11-2008
5. Explanation of the Charged Officer dated 9-2-09
6. Lr No. 3921/34/A1/Admn.I.Vig./ 06 addressed to Secretary, APPSC.
7. Secretary, APPSC Lr.No1232/RT-1/2/09 dated 30-10-2009

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ORDER:-

In the reference 1st read above, the Director of Treasuries and Accounts has informed that the following (4) Charges were framed against Sri O.Mark, ATO (Retd.) and a regular inquiry was conducted under Rule 20 of A.P.C.S. (CC&A) Rules 1991 wherein out of (4) Charges framed against him (2) charges were proved. Since, the Charged Officer has retired from service, the DTA has furnished the case of the Charged Officer along with relevant material and inquiry report to the Government for taking necessary action against the Charged Officer under Rule 9(2) of A.P. Revised pension Rules 1980.

Charge- I: That the said Sri O.Mark while functioning as ATO, Sub-Treasury, Guntur has inadvertently included the pensions of 17 pensioners as listed out in the pay bank list upto 1/ 02 although the Disbursers halves of the said pensioners are not traceable in the Sub-Treasury and thus the payments included in the pay bank list is irregular and is in violation of rules and procedures and thus caused loss to Government and exhibited lack of devotion to duty.

Charge- II: That the said Sri O.Mark while functioning as ATO, Sub-Treasury, Guntur during 2001-02 has inadvertently included the name of Sri N. Subba Reddy, a pensioner with PPO. No. 18- S- 009055 for the period from 8/01 to 1 / 02 amounting to Rs. 24,438/- although the pension was transferred to Chirala Sub-Treasury in Asst. Treasury Officer, Sub-Treasury, Guntur Rc.No.762/A2, dated 14-8-01 duly recording last payment certificate upto 7/2001 through State Bank of India, Nagarampalem and thus caused loss to Government and exhibited lack of devotion and dedication to duty.

Charge- III: That the said Sri O.Mark while functioning as ATO, Sub-Treasury, Guntur during 2001-02 has inadvertently adjusted an amount of Rs.3,24,494 on 2-5-01 to the Gram Panchayat relating to professional tax although an amount of Rs. 2,53,749/- was adjusted in 8/ 00 and a balance of Rs. 70, 745/- alone remains to be adjusted and thus caused loss of rupees 2, 53,749/- to Government

Charge-IV: That the said Sri O.Mark while functioning in the said capacity as ATO, ST, Guntur has violated the instructions issued by the District Collector of keeping 50% of the amount available with the Gram Panchayats as reserve for food for work programme and he has admitted Cheque bearing No.855955 dated 13-12-2001 of Gorantla Panchayat for Rs. 1,67,236/- leaving a debit balance of Rs.1,25,591/- (i.e. utilizing part of reserve amount) as the balance as on 30-9-01 was Rs. 3,55,335/- of which an amount of Rs 1,77,668/- was kept as reserve and thus violated the instructions of the District Collector and failed in his duties to adhere to the instructions.

2 Sri Jagan Mohan Goud, Deputy Director, District Treasury, Guntur and Inquiring Authority has inquired into the charges framed against Sri O.Mark, ATO (Retd) and submitted his report wherein he found that:

Findings of the Inquiring Officer on Charge- I:

The following 10 DHs are available in Sub-Treasury.

1. B. Sivudu,	PPO. No. 18SGC-019872.
2. C.A.Theresa	18S - 007489.
3. B.Ciciliamma	18S - 024501/AST.
4. B.Annapurnamma	18F - 001409.
5. S.Rosamma	0049.
6. S.Anasuymma	F000212/FP
7. K.Kotaih	002486.
8. K.Subhadra Devi	2055/SC Railways (Transferred to bank)
9. Sk Saidabee	S000457.
10. G.Suseelamma	18- S- 002389/FP

(Duplicate obtained from AG)

II. The following one pensioners half is available.

1. T.Narayana 18-S- 012689(addressed to AG for duplicate disbursers half).

III. The following four pensioners transferred to other stations.

1. T.L Narayan	8-S-012689 Transferred in 9/2001.Pension from 9/01 to 12/01 refunded by Bank and remitted vide Rs .5207/- Chno9003, dated 3-12-2004 Rs .5207/- Chno 5032, dated 20-12-2001 Rs .5207/- Chno 6554, dated 23-1-2002 Rs .5207/- Chno 2259, dated 15-1-2002
2. K.D.Rajeswari,	18- S- 004405 transferred in 10/2001 Pension from 9/01 to 12/01 refunded by Rs. 5291/- chno 5091, dated 17-01-2002 Rs. 15873/- chno 9940, dated22
3. Shanbar Begam	1078/F/Central. Not drawn from 0012/2001 refunded by bank and remitted wide ch.no. 31875, dated 18-06-2003 for Rs. 43,044/-
4. Sk. Bhimali	18-S – 000109-FP undrawn from 4/2000 to 12/2001 refunded by bank and remitted Wide ch.no. 31875, dated 18-06-2003 for Rs.35, 786/-

The following two pensioners were expired and the PPOs are not available.

- 1.V.Devamani 18- S- 011914, Expired on 14-10-2001.
Pensions from 15-10-2001 to 01/2002
refunded by bank and remitted wide
Rs. 4581/- chno 8172, dt. 27-08-2002
Rs. 11,674/- chno 4799, dt. 21-01-2002
2. K.Narayanamma 18- F- 000457 not drawn from 7/2000 to
12/2001 refunded by bank and remitted
vide
Rs. 1494/- chno 2184, dt. 22-09-2000
Rs. 2380/- chno 2183, dt. 22-09-2000
Rs. 4686/- chno 3123, dt. 24-12-2000
Rs. 3238/- chno 6694, dt. 28-06-2002
Rs. 16,360/- chno 31878, dt. 18-06-2003
Rs. 1596/- yet to receive from bank.

As per G.O.Ms. No. 213 Finance and planning dated 19-12-97, after making payments, the payment particulars are to be recorded in the cages of pension payment orders. But as verified the PPOs, no such entries were made. For this the Charged officer has replied that the recording has not been done due to heavy number of pensions. So far as payment pensions with out Disbursers halves, out of 17 PPOs 10 PPOs , are traced and are available at present. Out of these 10 PPOs 1 PPO was transferred to Bank. The payment in respect of one pension was made on the basis of pensioner half. The remaining 6 PPOs 4 PPOs were transferred to other Sub-Treasuries and two pensioners are expired. The amounts that were credited to these pensioners' accounts have been refunded by the Bank since the amounts have not been drawn by the pensioners.

As per the instructions issued by the Government in the G.O., after the payments, the particulars have to be filled in the cages of PPOs. Further payments have to be made on the basis of Disbursers halves. But in the instant case no such entries were made and also payments were made without DH and credits were also given in respect of transferred and expired PPOs. However, subsequently all such amounts were refunded by bank as detailed above. This shows that though the amounts were credited to the respective pensioners accounts, they were not drawn. Hence it may not be deliberate attempt on part of the Treasury Officer and there appears to be no malafied intention. Further, the contention of the charged officer may also be examined that it is highly impossible to physically verify all the PPOs as per the pay bank report. Though there they may be practical difficulties in verifying the PPOs as per pay bank report, but the fact remains that the cages were not filled in with relevant particulars after making payment and also payments were made without DHs. Hence, the Charge stands Proved.

Findings of the Inquiring Officer on Charge- II:

A pensioner by name Sri N.Subba Reddy, PPO No. 18- S- 009055 who was drawing pension at Sub-Treasury, Guntur applied for transfer to Sub-Treasury, Chirala of Prakasam District. The PPO was transmitted by the ATO, Sub-Treasury, Guntur in Rc.No.762/A2 dated 4-8-2001 for transfer to Prakasam District and the last payment was made upto 7/ 01 at SBI, Nagarampalem Branch. However his name was included in the pay bank list from 8/ 01 to 1/ 02 and an amount of Rs. 24,438/-was credited to the SB Account of the pensioner erroneously. The amount of Rs. 24,438/- was with drawn from the bank and credited to Government in chalan No. 7509 dated 26-2-2002.

The omission has occurred because of non-deletion of the transferred pensioner's name from the pay bank report. While affecting the transfer itself the concerned Senior Accountant should have deleted and it must have been attested by the concerned STO and ATO. But that was not done. Hence though the PPO was transferred, the credits continued till it is detected by RJD during his verification after the fake pension cases of Mangamma came to light. Though the amounts were credited to Saving Account, the pensioner has not withdrawn the amount and it was subsequently withdrawn from the savings account and credited to Government account. Though there is no loss to

Government, the Charged Officer is guilty of not taking enough precautions in respect of transferred cases, which led to irregularity. Hence the Charge stands Proved.

Findings of the Inquiring Officer on Charge- .III

As per G.O.Ms.No.544, Revenue (CT) Department dated 12-7-99 and DTA., Endt.No.FI/18800/99, dt.10-7-2000 the nominated CTO has to reconcile the figures relating to professional tax with treasury and issue orders for adjustment of professional tax to local bodies. An amount of Rs. 1,04,161/- was adjusted on 1-8-2000 to the local bodies and on 16-8-2000 an amount of Rs. 56,620/- was adjusted to Goruntla Village and amount of Rs. 92,968/- was adjusted on 16-8-2000. The three spells of adjustments aggregates to Rs. 2,53,749/- should have been made without reconciliation and without proceedings of CTO. Hence it is irregular subsequently on 2-5-01 an amount of Rs. 3,24,494/- was adjusted for the same quarter to the same Gram Panchayat. There is a difference of Rs 70,745/-, which is due to inclusion of names of four panchayats in the adjustment made on 2-5-01. As such even though the CTO, Brodipet issued proceedings for adjustments of Rs 3,24,494/- . The already credited amount in 8/ 2000 aggregating to Rs 2,53,749/- should have been deducted as this has been adjusted and the balance of Rs. 70,745/- should alone needs to be adjusted. Though the contention of the charged officer appears to be convincing that the irregularity was taken place before his joining at ST, Guntur, and the adjustment was done without reconciliation and proceedings of the CTO by his predecessors, he should have taken precaution to ensure non-drawal which could have avoided double adjustment. As the irregularity has taken place before his joining at Sub-Treasury the Charged Officer may not be held responsible and hence charge is not proved.

Findings of the Inquiring Officer on Charge- IV

The District Collector vide Rc.No.5771/2001/G7, dated 27-9-01 has issued instructions for keeping 50% of the amount available with the Gram Panchayats as reserve for Food for Work Programme. In respect of Goruntla Panchayat as on 30-9-01 there was a balance of Rs. 3,55,335/- of which 50% workout to Rs 1,77,668/- is to be retained as reserve and transactions to be conducted from the remaining balance of Rs. 1,77,667/- . On 13-12-2001 a cheque for Rs. 1,67,236/- bearing No .855955 was admitted leaving a debit balance of Rs. 1, 25,591/- (i.e. is utilizing part of the reserve amount).

The DPO, Guntur in his Roc.No.7532/2001/G2 addressed to ATO ST, Guntur dated 4-12-01 has issued orders stating an amount of Rs. 50,832/- only to be retained under food for work programme and remaining amount to be utilized for general works in respect of Goruntla Panchayat. Based on this letter the ATO, ST, Guntur has admitted the cheque for Rs. 1,67,236/- utilizing part of the reserved fund ordered by the District Collector.

The initial orders of the district Collector was communicated to ATO, ST, Guntur by the DD, DT, GTR vide Rc.VPF/G2/2001 dated 29-9-2001. But the ATO, ST, Guntur before admitting the cheque utilizing part of the reserve fund should have brought to the notice of DD, DT, GTR about DPO's letter. But on his own taken the decision and admitted the cheque. The contention of the charged Officer in his deposition that in anticipation of communication of orders from DD., DT., Guntur and also in view of severe pressure from Gorantla Panchayat Sarpanch for drinking water supply may have to be considered and he has admitted the cheque utilizing the amounts from the reserve fund earmarked for Food for Work Program after satisfying himself about the District Collector (Panchayat), Guntur instructions. Hence, Charge not proved.

3. Government, after careful examination of the findings of the Enquiry Officer with reference to the charges framed against Sri. O.Mark, ATO (Retd.) and his explanation accepted the findings of the Enquiry Officer in respect of Charge-I, II and III. In respect of Charge-IV, which was not proved in findings of E.O., Government have differed, since it is clear that the individual has violated the instructions and the plea of "Pressure" from Sarpanch and "in anticipation of orders of Deputy Director, District Treasury, Guntur" cannot be accepted. Hence, it was found that the charge IV is stands proved. Accordingly, a show cause notice along with enquiry report was furnished to the Charged Officer with a direction to submit his explanation vide the reference 2nd read above.

4. In the reference 3rd read above, the Charged Officer Sri O.Mark ATO (Retd) has submitted his explanation as follows:

Charge-I:

- The Sub-Treasury Officer, Guntur is one of the few heaviest Sub-Treasuries in the state consisting nearly 10,000 pensioners drawing pensions from the Sub-Treasury besides twenty five stamp vendors. 4 Mandals, 120 Village Panchayat, all kinds of deposits under 8443 Civil deposits, refund bills, 4 to 5 hundred challans are receiving daily in the Sub-Treasury, Guntur for assigning challan numbers duly verifying the correctness of the heads of account furnished on the Challans. Hence it is not possible humanly to verify all the D.Hs with reference to the pay bank lists to the SBI, Guntur (Report) before sending the pay bank lists to the State Bank of India, Guntur, besides attending to the above said other items of work daily as the pay bank reports will be submitting to his approval at the fag end of the month. As per the office order, five Accountants in the Sub-Treasury are dealing with pensions and the STO has to supervise the work to the Accountants and the STO of the Sub-Treasury has to verify the pay bank report thoroughly before sending them to the ATO, ST, Guntur for approve of the pay bank reports. Hence it is the responsibility of the concerned Accountants dealing with pensions and STO who is supervising the work of the Pension Accountants. As it is not at all possible by the head of the Office (i.e.) A.T.O., ST., Guntur for verifying all the ten thousand disbursers' halves with reference to the pay bank reports presented at the fag end of the month for detecting the pensions who are drawing pensions without DHs. Then it will be inevitable to approve the pay bank lists without causing any delay to the pensioners.
- However out of 17 (Seventeen) D.Hs said to have been missed/not traced in the Sub-Treasury, Guntur at the time of 100% check of the pensioners by the staff deputed by the D.D., District Treasury, Guntur the following 10 (ten) D.Hs are in the Sub Treasury, Guntur and that they are now available in the Sub-Treasury.

1. Sri B. Sivudu,	PPO. No. 18SGC-019872.
2. Smt. C.A.Theresa	18-S-007489.
3. Smt. B.Cicilamma	18-S- 024501/AST.
4. Smt. B.Annapurnamma	18-F-001409.
5. Smt. S.Rosamma	0049.
6. Smt. S.Anasuyamma	F000212/FP
7. Sri K.Kotaiah	002486
8. Smt. K.Subhadra Devi	2055/SC, Railways (Transferred to Bank)
9. Smt. Sk. Saidabee	S-000457.
10. Smt. G.Suseelamma	18-S-002389/FP
	(Duplicate obtained from AG)
11. Smt.Andalamma	18-F-001195.

As regards the remaining 6 (six) D.Hs the following 4 PPOs were transferred to the other stations as per the records available in the Sub-Treasury, Guntur

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|-------------------|--|
| 1.T.L Narayana | 18-S-012689 Transferred in 9/01 Pension from 9/01 to 12/01 refunded by Bank and remitted Govt. account. |
| 2. K.D.Rajeswari, | 18- S- 004405 transferred in 10/2001 Pension from 10/01 to 1/2002 refunded by Bank and remitted Govt. account. |

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|-----------------|--|
| 3. Shabar Begam | 1078/F/Central. Pension not drawn from 5/2000 to 12/01. Refunded by the bank and remitted |
| 4. Sk. Bhimali | 18-S – 000109-FP undrawn from 4/2000 to 12/2001 refunded by bank and remitted Wide ch.no. 31875, dated 18-06-2003 for Rs.35, 786/- |

Further, the following two disbursers havles out of 17 missed DHs, the two D.Hs are not available and the respective pensioners were expired. Their both halves of PPOs might have been submitted to the A.G., A.P., Hyderabad for cancellation as per rules. Hence they may not available in the Sub-Treasury.

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| 1. V.Devamani | 18- S- 011914, Expired on 14-10-2001.
Pensions drawn from 15-10-2001 to 01/2002
Refunded by bank and the same remitted vide ch.No.8172, dated 27.8.2002 for Rs. 4581/- and Rs. 11,674/- chno 4799, dt. 21-01-2002 |
| 2. K.Narayanamma | 18- F- 000457 - not drawn from 7/2000 to 12/2001 refunded by bank and remitted
Vide Rs. 2380/- chno 2184, dt. 22-09-2000
Rs. 4686/- chno 3/23, dt. 24-12-2000
Rs. 3238/- chnno 6694, dt. 28-06-2002
Rs. 16,360/- chnno 31878, dt. 18-06-2003 |

- So far the finding of the inquiry officer in his enquiry report in respect of charge – I, and accepted by the Government in their memo dated 30-5-2006 that the payments were made with out the DHs (i.e.) 17-D.Hs which were said to have been missed. Out of 17 DHs alleged to have been missed 11 DHs were traced and are available in the Sub-Treasury, Guntur. Out of these 11 DHs one was transferred to the Bank being Railway Pension for which payment has to be made at the Bank directly. 4 PPOs were transferred to other Sub-Treasuries and two pensioners were expired vide Lr.No.Rc.0562/2002/A2, dated 29-7-2004 of the STO., Guntur addressed to the Deputy Director, District Treasury duly enclosing the copies of the traced D.Hs and copy of letter of STO., Guntur has been sent to his residential address along with the copies of all the traced DHs. Hence all the 17 D.Hs said to have been not traced in the charge memo were traced and enclosed for kind perusal. Further, the Charged officer stated that as per Para 9-1 of the G.O.Ms.No.213, F&P deptt, dated 19-12-1`997 either the nominees or the legal heirs of the deceased pensioners have to submit the death certificates in the Bank/Sub-Treasury. If they failed to furnish the death certificate their pension amounts while crediting to their savings Bank Accounts in their respective banks till they produce the death certificates or failed to furnish the life certificates which ever is earlier. However, the STO Sri Purna Chandra Rao passed the list in the month of November, 2000. In addition to that the charged officer stated that he signed list of payments from 12/2000 to 6/2001 and taken appropriate action in the matter.
- As per Para-5 of the G.O.Ms.No.65, F&P deptt, dated 17-5-1999, the life certificates required to be furnished in the month of November; the pension disbursing authority shall send the list for crediting the pension for the month of December and stop the pension for the month of January till receipts of the above certificates. In respect of the above 4 transferred /2 expired cases in question, 3 transferred cases, were included in the pay bank lists upto January 2001. As per Para 8-1 of the afore said G.O.213, the life certificates have to be furnished in the paying Bank branch in turn shall send the life certificates along with the verification report to the STO/Pension Payment Office. By oversight the two

pensioners viz. Smt. Rajeswari and Smt. V.Devamani might have been included in the pay bank list for January 2001 also. This is only due to lack of full strength of staff in the Sub-Treasury. However the amounts that were credited to these pensioned saving accounts have been refunded by the bank to the Sub-Treasury/ATO of the Sub-Treasury, Guntur by means of demand drafts since the amounts have not been drawn by the pensioners and they were remitted into Government accounts as per rules and hence the Government money was not misappropriated by any body in the Sub-Treasury and that there is no loss to Government.

- Hence, the charged officer content that the article of charge- 1 framed against him is vague as the 100% pensions checking party arrived to the S.T Guntur have not verified the P.P.O's thoroughly and no action need be taken on the vague charge as per C.C.A Rules. Hence the question of exhibition of lack of devotion to duty does not arise and there is no mala-fide intention.
- In view of the above circumstances explained above with material evidence, the Charged officer requested the Government to exonerate from the article of charge –I.
- As regards failure to make payment entries in the D.Hs soon after payment/pay Bank report sent Bank the Charged officer stated that the work was entrusted to the S.T.O to get the entries made in the D.Hs by the concerned Accountants in the Sub-Treasury. Since they have not followed instructions, they were called for explanations by issuing memos to them. Further, the Charged officer stated that due to lack of full clerical strengths, and due to heavy work in the Sub-Treasury, Guntur, the work of making payment entries in the DHs could not be carried out due pressure of daily routine work. However such lapses will be guarded against in future.

Charge- II

The Charged Officer has stated that Sri Y.Deelip Kumar Reddy, JA (Data entry operator) and Smt.V.Padmavathi, SA who are dealing with the subject have not verified due to heavy work in the S.T. While preparing pay bank list and not deleted the name of the pensioner Sri. N. Subba Reddy holder of PPO. No. 18-S-009055 from the pay bank list after affecting the transfer and it is the responsibility of the above said Accountants to affect all the charges pertaining to their seats. Further, the STO who is supervising officer has to check the correctness of the pay Bank report before submitting the same for A.T.Os approval in the Sub-Treasury, Guntur If he was to check the correctness of all the particulars of pay bank list, it may not be possible to submit pay bank list in time to avoid hardship to all pensioners who are in huge number. The Charged officer further stated that due to sheer work load, he could not verify the additions and deletions as it is not humanly possible to attend to this item or work at the level of the head of the office/ATO, ST., Guntur. However the amount that was credited to Pensioners saving account in the connected bank was not drawn by the pensioner and the entire amount of Rs.24,438/- for the period from 8/2001 to 1/2001 has to be obtained from he Bank by means of demand draft and remitted onto Government account vide Ch.No.7569, dated 26.2.2002 and it was got done prior to his recruitment.

Further, the Charged Officer submitted that the above irregularity was occurred because of non-deletion of the transferred pensioner's name from the pay bank list while effecting the transfer itself the concerned Senior Accountant and failed to get attested by the STO and ATO. In spite of several pre-contents were issued to the STO, who is supervising for pensions subject could not watch the deletion of the name of the above transferred pensioner from the pay bank list and got it approved by him. It is not possible for the head of the office (ie) ATO, ST Guntur to watch such deletion while approving the pay bank report containing thousands of names of pensioners which will be submitted at the fag end of the month.

In view of the above position, the Charged officer submitted that he is not guilty in taking enough pre-cautions to avoid the above mistake which is purely clerical mistake and there was no loss to Government. Hence the Charged officer has requested to exonerate from the Article of Charge -II.

Charge- III

The Charged officer Sri O.Mark ATO (Retd) has stated that the findings of the in respect of the Charge III have been accepted by the Disciplinary authority. Hence this charge was not proved.

Charge-IV

The Charged Officer in his defence statement has stated that the District Collector in his Rc.No.5771/2001/G7, dated 27.9.2001 has issued instructions for keeping 50% of the amount available with the Gram Panchayat as reserve for food for work programme. As on the date of receipt of the above Collectors instructions, there was a balance for Rs. 3,55,335/- under Gorantla Village Gram Panchayat funds of which 50% of works out of Rs. 1,77,668/- is to be retained as reserve and the transactions have to be conducted from the remaining balance of Rs.1,77,667/- .

Further, the charged officer has stated that District Panchayat Officer, Guntur in his Lr.No.RAOC.No.7532/2001 (G2) dated 4.12.2001 has clarified that as per the above District Collector's orders an amount of Rs.50832/- only has to be kept reserve for food for work programme under Goruntla Village Gram Panchayat as on 27.9.2001. After retaining the above amount of Rs.50,832/- food for work program under the said Goruntla Village Gram Panchayat funds, the remaining amount may be utilized for several works in respect of Goruntla Village Gram Panchayat by Sarpanch of the said Gram Panchayat.

Based on the above letter of the DPO Guntur who is under control of the Collector, Guntur the Charged officer stated that he had admitted the cheque for Rs.1,67,236/- on 13.12.2001 in the interest of public for drinking water after satisfying himself about the letter for the D.P.O Guntur and in anticipation of communication of orders from the D.D. District Treasury, Guntur and also in view of the severe pressure from Goruntla Village Gram Panchayat for drinking water supply to his village. However it was adjusted as on 24-1-2002 as per Goruntla Village Gram Panchayat leader prior to submission of funds under Food for work programme.

Further, the charged officer stated that the enquiry officer in his findings has also concluded that the above charge was not proved. Hence the Charged officer requested the Government to exonerate from the article of charge –IV.

Finally the Charged officer requested the Government to consider his case sympathetically in view of his explanation for the charges framed against him and to release pension, pensionary benefits, and other retirement benefits as he is suffering with diabetes and facing difficulties to purchase medicine as no retirement benefits released to him for the last 4 years. He has also stated that he belong to a poor family of SC community and have 6 family members.

5. Government, after careful examination of the Articles of Charges framed against Sri O.Mark ATO (Retd) and his written statement of defence with reference to the findings of the Inquiry Authority and his explanations thereon, have come to a provisional conclusion to impose a punishment of withholding of 15% of pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 for the charges, which have been conclusively proved against him and issued a final show-cause notice to the Charged Officer Sri O.Mark, ATO (Retd.) directing him to submit his explanation vide reference, 4th read above.

6. In the reference 5th read above, the Charged Officer Sri O.Mark ATO (Retd) in his explanation submitted that:

- All the 17 PPO's said have been missing are traced out by the Sub-Treasury Officer, Guntur and he has submitted them to the Dy. Director DTO, Guntur, in his Lr.No.Rc.0562/202/A2 dt:29-07-2004, with a copy of PPO's and copy of a letter have been marked to the retired ATO. Sri O.Mark, and communicated to his residential address along with a copy of his proceedings No.K.(1) 4/7378/2002, dt. 15-07-2004 of the DTA. AP. Hyderabad. It is suspected that the present STO Sri P.Purnachandra Rao has been kept them aside at the time of verification and now brought to the light.
- A pensioner by name Sri N.Subba Reddy, holder of PPO No.18-S-009055 who was drawing pension through Sub-Treasury, Guntur and his pension records were transferred to Sub-Treasury, Chirala of Prakasam Dist, at his request. But his name was not deleted in pay back list and the pension was continuously credited in S.B. Account even after his transfer to other District. An amount of Rs.24,438/- which was sent to the Bank at Guntur even after the PPO's communicated to the STO Chirala, in Ongole Dist. has been collected from the Bank covered through the Draft No. 129516 of S.B.I personal Banking branch, Guntur, and remitted into the S.B.I., Gunturu under 2071 contributions and recoveries towards pensionary benefits vide Challan No.7569, dt:02-12-02.
- The double adjustment made against the Profession Tax on dt: 02-05-2001 for a tune of Rs.324,494/- by my predecessors, has also been set right and recovered the amounts from the executive authority for Rs.2,53,749/- and remitted into the S.B.I. Guntur. Thus there is no loss caused to the Government. It is the mistake kept by my predecessors
- The amounts kept under food for work programme has been allowed for payment to the Executive Authority, Gorantla village in the interest of public, as per the orders of the DPO, Guntur who is under the control of collection, Guntur, However it was adjusted as on 24-01-2002 even if it was allowed for payment on the strength of a letter from the District Panchayat Officer, Guntur in his Lr.No. 7533/2001-2002, dt:4-12-2001, prior to submission of the funds under Food for work programme. Thus, the procedural lapse committed by the then staff members of the ST, Guntur has also been rectified. Hence, he has requested to drop the proposed punishment of permanent cut of 15% in pension.

7. Government, after careful examination of the Charges framed against Sri O. Mark ATO (Retd), his written statement of defence, findings of the Enquiry Officer, his explanation on the findings of Enquiry Officer and other connected material evidence found that the contentions put forth by the Charged Officer is not convincing. There was clear lapse on the part of the Charged Officer. The Charged Officer has failed to perform his legitimate duties as A.T.O. Out of 4 Charges framed against him 3 charges were proved substantially beyond any doubt. Therefore, Government have come to a conclusion for imposition of a punishment of withholding of withholding of 15% of pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 on Sri O.Mark, ATO (Retd.) and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence vide reference 6th read above.

8. The Andhra Pradesh Public Service Commission, Hyderabad in reference 7th read above concurred with the proposal of the Government for imposition of a punishment of withholding of 15% of pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980.

9. Government, accordingly, hereby impose a punishment of withholding of 15% of pension permanently on Sri O.Mark, ATO (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980.

10. The Director of Treasuries and Accounts, A.P., Hyderabad shall take necessary further action in the matter accordingly.

11. The G.O is available on internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT (FP)

To

The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, A.P., Hyderabad

The Secretary, A.P. Vigilance Commission, A.P. Secretariat, Hyderabad..

The Deputy Director, District Treasury, Guntur District.

// FORWARDED BY ORDER//

SECTION OFFICER